

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

Mr Justice Swift

22 March 2019

B E T W E E N:

- (1) SIR ROBERT MCALPINE LIMITED
- (2) VICTORIA SQUARE WOKING LIMITED
- (3) WOKING BOROUGH COUNCIL
- (4) PEACOCK CENTRE (an unlimited company)

Claimants



and

- (1) BEN GITTINGS
- (2) JORDAN RAYNER
- (3) PERSONS UNKNOWN ENTERING IN OR REMAINING AT VICTORIA SQUARE CONSTRUCTION SITE, WOKING WITHOUT THE CLAIMANTS' PERMISSION

Defendants

INJUNCTION ORDER

PENAL NOTICE

IF YOU, THE FIRST, SECOND OR THIRD DEFENDANTS DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible.

If you disobey this Order you may be found guilty of contempt of court and you may be sent to prison or your assets seized.

RECITALS

UPON neither the First Defendant nor the Second Defendant, nor any other person, having given notice to the Claimant's solicitors of their intention either to resist the continuation of the injunction imposed by the order of this Court on 14 February 2019;

AND UPON the Claimant's claim for a final injunction;

AND UPON READING the witness statements set out in the First Schedule to this Order;

AND UPON the First Claimant giving and the Court accepting the undertaking set out in the Second Schedule to this Order;

IT IS ORDERED THAT:

THE INJUNCTION

1. The First, Second and Third Defendants must not enter or remain on any part of the Victoria Square construction site as shown edged red on the plan at Schedule 3 appended hereto as demarcated from time to time by hoarding or security fencing.
2. Any person may apply to discharge or vary this injunction at any time upon giving the Claimant's not less than 48 hours' notice of that application by email to StuartWortley@eversheds-sutherland.com.
3. Subject to paragraph 2, paragraph 1 of this Order will remain in force until 30 April 2021.

INTERPRETATION OF THIS ORDER

4. A Defendant who is ordered not to do something must not do it him/herself or in any other way. He/she must not do it through another acting on his/her behalf or on his/her instructions or with his/her encouragement.
5. It is a contempt of court for any person notified of this order knowingly to assist or permit a breach of this order. Any person doing so may be imprisoned, fined or have their assets seized.

SERVICE OF THE ORDER

6. Service of this Order may be effected on the First and Second Defendants by sending to the postal addresses and email addresses provided below:-

| | Defendant | Last known address | Email address |
|-----|------------------|---------------------------|----------------------|
| (1) | Ben Gittings | | |
| (2) | Jordan Rayner | Not known | |

7. Service of this Order may be effected on the Third Defendants by posting notice of this Order (and a weblink to it and a place where copies of it can be inspected):

7.1. at regular intervals on the hoardings at the Victoria Square construction site, Woking;

7.2. at least five prominent sites around the perimeter of Victoria Square construction site, Woking;

and (if so advised) by also giving notice through social media.

DEEMED SERVICE OF PROCEEDINGS AND THIS ORDER

8. Once served in accordance with paragraph 6 or 7, this Order shall be deemed to have been served upon the relevant party as follows:-

| Method of service | Deemed date of service |
|--|---|
| First class post (or other service which provides for delivery on the next business day) | The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day. |
| Delivering the document to or leaving it at the usual / last known address given above | If it is delivered to or left at the usual / last known address on a business day before 4.30 pm, on that day; or in any other case, on the next business day after that day. |
| Email | If the e-mail or other electronic transmission is sent on a business day before 4.30 pm, on that day; or in any other case, on the next business day after the day on which it was sent. |

| | |
|------------------|--|
| Personal service | If the document is served personally before 4.30 pm on a business day, on that day; or in any other case, on the next business day after that day. |
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COMMUNICATIONS WITH THE COURT

9. All communications to the Court about this Order should be sent to:

Queen's Bench Division,
Royal Courts of Justice,
Strand
WC2A 2LL.

The offices are open between 10.00 a.m. and 4.30 p.m. Monday to Friday (except Bank Holidays).

The telephone number is 020 7947 6000

COSTS

10. The First and Second Defendants shall pay the Claimants' costs on the Standard Basis, to be the subject of detailed assessment.

SCHEDULE 1

Witness Statements

The Judge read the following Witness Statements before making this Order:

1. Paul Jonathan Walker dated 13 February 2019 and exhibits "P JW1" to "P JW6"
2. Stuart Sherbrooke Wortley dated 13 February 2019 and exhibit "SSW1"
3. Stuart Sherbrooke Wortley dated 14 February 2019 and exhibit "SSW2"
4. Stuart Sherbrooke Wortley dated 20 March 2019 and exhibit "SSW3"

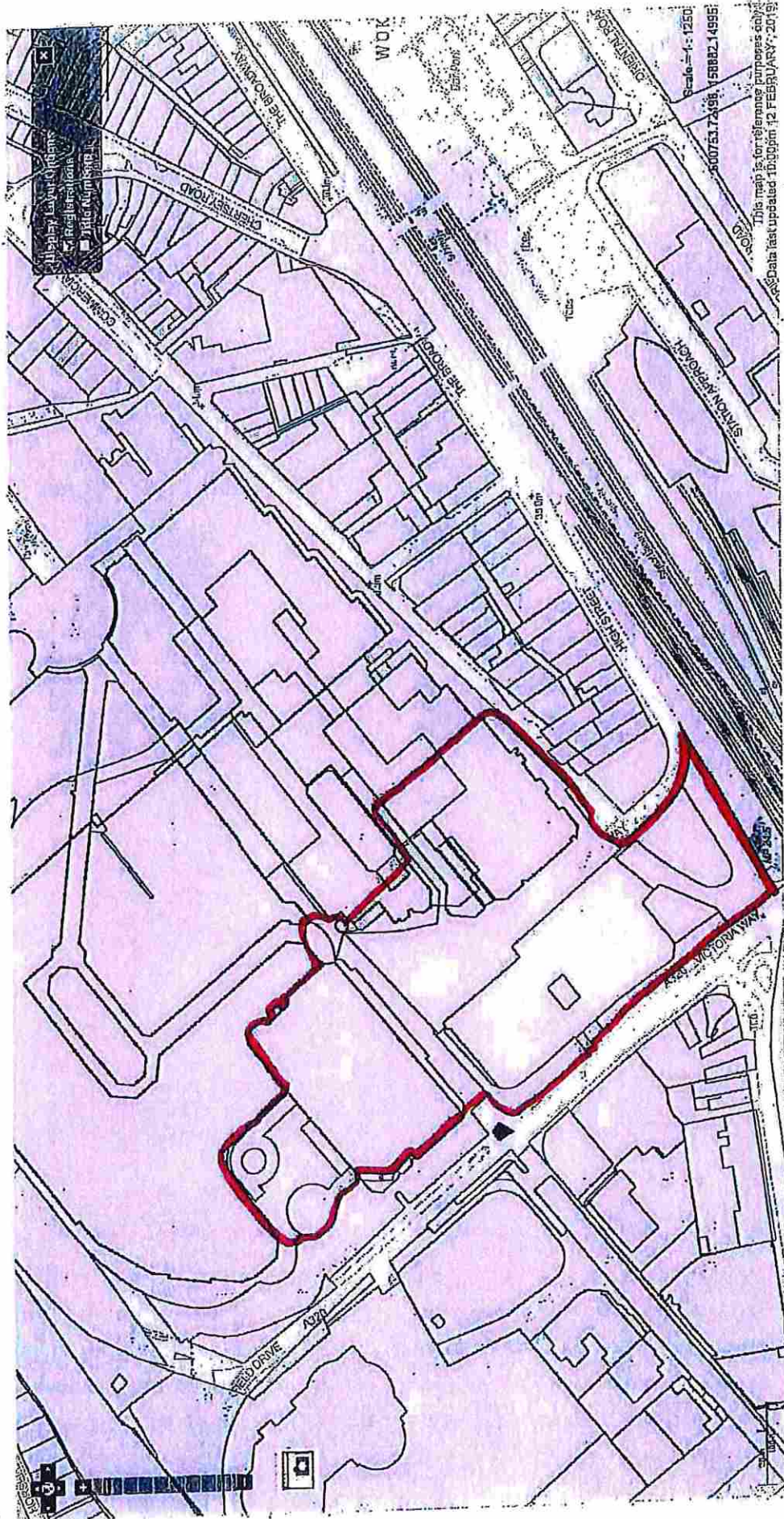
SCHEDULE 2

Undertakings to the Court given by the First Claimant

1. To pay any such damages as the Court considers the First Claimant should pay to any party (other than the First or Second Defendant) in respect of damage which that party sustains as a result of the making of this order.
2. To serve a copy of this order upon the First and Second Defendants as soon as reasonably practicable.

SCHEDULE 3

Plan



Claim No: QB-2019-000513

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ROYAL COURTS OF JUSTICE

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**INJUNCTION
ORDER**

Eversheds Sutherland (International) LLP
One Wood Street
London
EC2V 7WS

Ref: Wortles/035641.010040

Solicitors for the Claimants